IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.29 OF 2006

Mr.Abhimanyu Shankar Raut. ..Applicant.

V/s.

The State of Maharashtra & Ors. ..Respondents.

WITH

CIVIL REVISION APPLICATION NO.30 OF 2006

Mr.Jalindar Vasant Bhore. ..Applicant.

V/s.

The State of Maharashtra & Ors. ..Respondents.

WITH

CIVIL REVISION APPLICATION NO.31 OF 2006

Mr.Anil Namdeo Sawant. ..Applicant.

V/s.

The State of Maharashtra & Ors. ..Respondents.

WITH

CIVIL REVISION APPLICATION NO.32 OF 2006

Mr.Krishna Bhau Bhore,
(Since deceased through L.Rs.)
Mr.Shivaji Krishna Bhore & Ors. ..Applicants.

V/s.

The State of Maharashtra & Ors. ..Respondents.

WITH

CIVIL REVISION APPLICATION NO.33 OF 2006

Mr.Kisan Sitaram Survase & Ors. ..Applicants.

V/s.

The State of Maharashtra & Ors. ..Respondents.

WITH

CIVIL REVISION APPLICATION NO.34 OF 2006

Mr.Sharad Dattatraya Thite. ..Applicant.

V/s.

The State of Maharashtra & Ors. ..Respondents.

Mr.Dilip Bodake for applicant.

Mr.A.R.Patil, AGP for respondent-State.

CORAM: A.M.KHANWILKAR,J

DATE : MARCH 8, 2006.

P.C. :

1. Heard counsel for the parties.

2. Rule.

3. Mr.A.R.Patil, AGP waives notice for the respondent. As short question is involved, the above applications are taken up for final disposal forthwith by consent.

4. The orders which are impugned in these revision applications are passed by the Special Land Acquisition Officer(SLAO). These revisions are under section 18(3) of the Land Acquisition Act, 1894 as applicable to the State of Maharashtra r/w Section

115 of the Civil Procedure Code. The SLAO has rejected the applications for making reference under section 18 of the Act on three grounds. Firstly, the applications do not disclose relevant dates for computing period of limitation. Secondly, the applicants had received the payment under protest. Thirdly, there is nothing to show that the applicants had filed objection under section 9(3)(4) of the Act.

5. In so far as later two grounds are concerned, the applicants have justly relied on the decision of our High Court in the case of **Manjiri Ranganath Kulkarni V/s.State of Maharashtra reported in 2003(1) All MR 27** to contend that application for making reference under section 18 cannot be rejected by the SLAO on the ground other than that the application was beyond limitation period or that it was not in relation to claim for enhancement of compensation awarded for acquisition of land or that application was not by an interested person. As mentioned earlier the later two grounds do not qualify the category available for the rejection of the applications by the SLAO.

6. The only ground that remains to be considered as stated by the SLAO, is that the applications do

not disclose relevant dates for computing period of limitation. This reason cannot be sustained in view of the office noting made on the applications. The relevant dates against the respective columns are mentioned. It clearly mentions the date of the award as well as date of service of section 12(2) notice and the date on which the subject applications were made. It is not the case of the respondent that the applicants were present when the award was pronounced by the authority. If so, the limitation would commence from the date of the service of Section 12(2) notice which date is mentioned in the office noting as 3rd June, 2004. The applications as per the office noting of the respondent were filed on 12th July, 2004. Having regard to these dates, which are available from the record and noted in the office note made by the respondent, the question of rejecting the subject applications on the ground of limitation does not arise. Accordingly, even ground No.1 mentioned by the SLAO will have to be set aside. Thus understood, these revision applications succeed. The applications preferred by the applicants will have to be granted by directing the SLAO to make reference before the court under section 18 of the Act in the respective cases.

7. Revision Applications disposed of on the above terms with no order as to costs.